



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
[www.ladpw.org](http://www.ladpw.org)

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

February 17, 2005

IN REPLY PLEASE  
REFER TO FILE: **PD-5**

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
VOLUNTARY RETROFIT PROGRAM TO  
BENEFIT SENSITIVE POPULATIONS  
ALL SUPERVISORIAL DISTRICTS  
3 VOTES**

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Accept a grant in the amount of \$50,000 from the United States Environmental Protection Agency to reduce emissions through the voluntary retrofit of on-road and nonroad diesel engines to demonstrate the effectiveness of these devices and to benefit sensitive populations (children, the elderly, and the ill).
2. Authorize the Acting Director of Public Works, or his designee, to conduct business with the United States Environmental Protection Agency on any and all matters related to this grant, including negotiating and executing the grant agreement in Attachment A, and signing any amendments and requests for reimbursement for, and on behalf of, Public Works.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

This project will equip several of Public Works' diesel-powered auxiliary engines with retrofit technology certified by the California Air Resources Board. The retrofit devices will be installed on a number of Public Works' street sweepers, paint stripers, and combination sewer trucks. Auxiliary or nonroad engines have been less regulated than

newer on-road diesel engines. As a result, auxiliary engines produce far more emissions than the vehicle's main engine. The retrofit devices, much like catalytic converters on gasoline-powered engines, reduce toxic emissions. Reduction of emissions will directly benefit children, the elderly, the ill, and other environmentally sensitive populations within the County. This project will begin when the grant agreement is fully executed. All retrofit work is scheduled to be completed by November 2006.

The project delivery process will be streamlined by delegating authority to the Acting Director, or his designee, to act as an agent for the County when conducting business with the United States Environmental Protection Agency on items related to this grant.

#### **Implementation of Strategic Plan Goals**

This project is consistent with the County's Strategic Plan Goals of Children and Families' Well-Being and Fiscal Responsibility. This project supports children and families by reducing the toxic emissions that most impact the unborn, the young, the elderly, and the ill. It also supports the strategy to strengthen the County's fiscal capacity by actively seeking external funding sources.

#### **FISCAL IMPACT/FINANCING**

There will be no impact to the County's General funds. The total cost of the project is estimated at \$50,000. The \$50,000 grant from the United States Environmental Protection Agency will fully reimburse the County's costs to purchase and install these retrofit devices. Sufficient funding is included in the Internal Service Fund's budget for Fiscal Year 2004-05 and funding will be included in future years' Internal Services Fund budgets to complete the retrofit of these engines.

#### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The enclosed grant agreement has been reviewed and approved as to form by County Counsel.

#### **ENVIRONMENTAL DOCUMENTATION**

A finding of environmental impact is not required for acceptance of this grant funding. This action does not constitute a project as set forth by California Environmental Quality Act guidelines, Section 21065, and is, therefore, exempt from the requirements of the California Environmental Quality Act.

### **CONTRACTING PROCESS**

Public Works, through the Internal Services Department's Procurement Section, will send out a Request for Proposal to obtain providers who will furnish and install these retrofit devices. The Request for Proposal will fully comply with all current County and Federal guidelines. The County's Request for Proposal will allow Public Works to maximize the effectiveness of the various technologies and to obtain the best available technology for the engines in each application and/or duty cycle.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The installation of these retrofit technologies will not impact Public Works' current services.

### **CONCLUSION**

Please return three approved copies of this letter and three copies of the signed grant agreement to Public Works.

Respectfully submitted,

DONALD L. WOLFE  
Acting Director of Public Works

RFT:rmr  
P:\PDPUB\Transit\Temp\Letters\US EPA Voluntary Retrofit1.doc


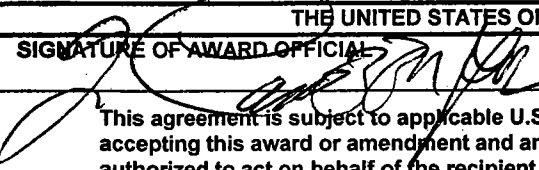

Enc. 1

cc: Chief Administrative Office  
County Counsel

EPA OFFICIAL FILE COPY  
RETURN AFTER SIGNATURE

EPA OFFICIAL FILE COPY  
RETURN AFTER SIGNATURE

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	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Cooperative Agreement</b>	ASSISTANCE ID NO.			DATE OF AWARD <b>NOV 23 2004</b>
		PRG	DOC ID	AMEND#	
		<b>XA - 83219101 - 0</b>			
		TYPE OF ACTION New			MAILING DATE <b>DEC - 1 2004</b>
RECIPIENT TYPE: County		Send Payment Request to: Las Vegas Finance Center			ACH#
RECIPIENT:  Los Angeles County Department of Public Works 900 So. Fremont Avenue Alhambra, CA 91803 EIN: 95-6000927		PAYEE:  Assistant Deputy Director, Finance Los Angeles County Department of Public Works 900 So. Fremont Avenue Alhambra, CA 91803			
PROJECT MANAGER  Richard Teebay Los Angeles County Department of Public Work 900 So. Fremont Avenue Alhambra, CA 91803 E-Mail: rteebay@ladpw.org Phone: 626-458-3954		EPA PROJECT OFFICER  Steve Albrink 1200 Pennsylvania Ave, NW, 6405J Washington, DC 20460 E-Mail: Albrink.Steve@epamail.epa.gov Phone: 202-564-8997		EPA GRANT SPECIALIST  LaShaun Phillips 1200 Pennsylvania Ave., NW Washington, DC 20460, 3903R E-Mail: Phillips.LaShaun@epamail.epa.gov Phone: 202-564-0956	
PROJECT TITLE AND DESCRIPTION Public Works Voluntary Retrofit of 24 On-Road and Non-Road Diesel Engines- To demonstrate the effectiveness of retrofit technologies in reducing harmful air emissions from existing diesel vehicles.					
BUDGET PERIOD 11/23/2004 - 11/22/2006		PROJECT PERIOD 11/23/2004 - 11/22/2006		TOTAL BUDGET PERIOD COST \$50,000.00	
				TOTAL PROJECT PERIOD COST \$50,000.00	
NOTE: The Agreement must be completed in duplicate and the Original returned to the appropriate Grants Management Office listed below, within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the Recipient subsequent to the document being signed by the EPA Award Official, which the Award Official determines to materially alter the Agreement, shall void the Agreement.					
OFFER AND ACCEPTANCE					
The United States, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers Assistance/Amendment to the <u>Los Angeles County Department of Public Works</u> for <u>100.00</u> % of all approved costs incurred up to and not exceeding <u>\$50,000</u> for the support of approved budget period effort described in application (including all application modifications) cited in the Project Title and Description above, signed <u>06/30/2004</u> included herein by reference.					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS Grants Administration Division 1200 Pennsylvania Ave, NW 3903R Washington, DC 20460			ORGANIZATION / ADDRESS Environmental Protection Agency Office of Air & Radiation 1200 Pennsylvania Ave, NW Washington, DC 20460		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
SIGNATURE OF AWARD OFFICIAL 		TYPED NAME AND TITLE Betty G. Utterback, Chief Grants Operations Branch B (3903R)		DATE <b>11/23/04</b>	
This agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter 1, Subchapter B and of the provisions of this agreement (and all attachments), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.					
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION					
SIGNATURE 		TYPED NAME AND TITLE		DATE	

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 50,000	\$ 50,000
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$	\$ 0
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 50,000	\$ 50,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.034 - Surveys-Studies-Investigations-Demonstrations and Special Purpose Activities relating to the Clean Air Act	Clean Air Act: Sec. 103	40 CFR PART 31

Fiscal									
Site Name	DCN	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	CE4394	0405	B	56C4	101AG8E	4183	-	-	50,000
									50,000

## Budget Summary Page

<b>Table A - Object Class Category (Non-construction)</b>	<b>Total Approved Allowable Budget Period Cost</b>
<b>1. Personnel</b>	\$0
<b>2. Fringe Benefits</b>	\$0
<b>3. Travel</b>	\$0
<b>4. Equipment</b>	\$0
<b>5. Supplies</b>	\$0
<b>6. Contractual</b>	\$50,000
<b>7. Construction</b>	\$0
<b>8. Other</b>	\$0
<b>9. Total Direct Charges</b>	\$50,000
<b>10. Indirect Costs: % Base</b>	\$0
<b>11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)</b>	\$50,000
<b>12. Total Approved Assistance Amount</b>	\$50,000
<b>13. Program Income</b>	\$0

## **Administrative Conditions**

1. The recipient agrees to comply with the MBE/WBE terms and conditions outlined in Attachment A.
2. As required by EPA regulations, the recipient agrees to submit a final **Financial Status Report (FSR) (Standard Form 269)** within 90 days after the end of this budget period to the following address:

U.S. Environmental Protection Agency  
Las Vegas Finance Center  
P.O. Box 98515  
Las Vegas, Nevada 89193-8515

When the recipient submits a final FSR, the recipient will in one of the following ways make an adjustment for the amount of Federal funds, if any, received in excess of the EPA share of the reported total budget period costs:

- (a) If the recipient is paid through EPA-ACH, they shall, in accordance with the enclosed payment guidance dated May 1995, refund excess assistance funds by either submitting a credit on a current EPA-ACH Payment Request or by sending a check to the lockbox address: U.S. Environmental Protection Agency, Las Vegas Financial Management Center, P.O. Box 371293M, Pittsburgh, Pennsylvania 15251.
- (b) If the recipient is paid by treasury check, they shall, in accordance with the enclosed payment guidance dated May 1995, refund excess assistance funds by submitting a check to the lockbox address in paragraph (a).

If funds are due to the recipient at the time of submission of the final FSR, the recipient shall follow the procedures as outlined on the enclosed payment guidance to request the appropriate amount of funds from EPA.

3. Payment to consultants. EPA participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule (formerly GS-18), to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. As of January 1, 2004, the limit is \$524.72 per day and \$65.59 per hour. This rate does not include transportation and subsistence costs for travel performed (the recipient will pay these in accordance with their normal travel reimbursement practices).

Subagreements with firms for services which are awarded using the procurement requirements in 40 CFR 30 or 31, as applicable, are not affected by this limitation unless the terms of the contract provided the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR 31.36(j) or 30.27(b)

4. In accordance with EPA Order 1000.25, dated January 24, 1990, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to Standard Forms. These forms are printed on recycled paper and are available through the General Services Administration.

5. If a contract is awarded under this assistance agreement, the recipient agrees and is required to utilize the following affirmative steps to the maximum extent practicable:

- (1) Placing Small Businesses in Rural Areas (SBRAs) on solicitation lists;

**Minority Business Enterprises (MBE)/Womens' Business Enterprises (WBE) Terms and Conditions for non-SRF Recipients with EPA-approved FY 1998 MBE/WBE Goals that were not based on historical data of dollars awarded to MBEs and WBEs**

1. The recipient agrees to comply with the requirements of EPA's Program for Utilization of Small, Minority and Women's Business Enterprises in procurement under assistance agreements:

(a) The recipient accepts the applicable FY 1998 Minority Business Enterprise (MBE)/Womens' Business Enterprise (WBE) "fair share" goals/objectives negotiated with EPA by the State as the FY 1999 MBE/WBE "fair share" goals/objectives as follows:

	MBE	WBE
Construction	<u>20</u> %	<u>10</u> %
Supplies	<u>24</u> %	<u>44</u> %
Services	<u>20</u> %	<u>31</u> %
Equipment	<u>19</u> %	<u>16</u> %

OR

Combined Rate: \_\_\_\_\_ %

(b)(1) The recipient agrees to ensure, to the fullest extent possible, that at least the applicable "fair share" objectives of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women and Historically Black Colleges and Universities.

(2) For assistance agreements related to research under the Clean Air Act Amendments of 1990, the recipient agrees to ensure, to the fullest extent possible, that at least the applicable "fair share" objectives of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women, disabled Americans, Historically Black Colleges and Universities, Colleges and Universities having a student body in which 40% or more of the students are Hispanic, minority institutions having a minority student body of 50% or more, and private and voluntary organizations controlled by individuals who are socially and economically disadvantaged.

(c) The recipient agrees to include in its bid documents the applicable "fair share" objectives and require all of its prime contractors to include in their bid documents for subcontracts the negotiated "fair share" percentages.

(d) The recipient agrees to follow the six affirmative steps or positive efforts stated in 40 CFR §30.44(b), 40 CFR §31.36(e), or 40 CFR §35.6580, as appropriate, and retain records documenting compliance.

(e) The recipient agrees to submit an EPA form 5700-52A "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements," beginning with the Federal fiscal year quarter the recipient receives the award and continuing until the project is completed. These reports must be submitted to MBE/WBE Coordinator, Lupe Saldana, U.S. Environmental Protection Agency, 401 M Street, SW, Mail Code 3903R, Room 51288, Washington, D.C. 20460, 202-564-5353, within 30 days of the end of the Federal fiscal quarter (January 30, April 30, July 30, and October 30). For assistance awards for continuing environmental programs and assistance awards with institutions of higher education, hospitals and other non-profit organizations, the recipient agrees to submit an EPA form 5700-52A to MBE/WBE Coordinator, Lupe Saldana by October 30 of each year.

(f) If race and /or gender neutral efforts prove inadequate to achieve a "fair share" objective, the recipient agrees to notify EPA in advance of any race and/or gender conscious action it plans to take to more closely achieve the "fair share" objective.

2. EPA may take corrective action under 40 CFR Parts 30, 31, and 35, as appropriate, if the recipient fails to comply with these terms and conditions.



- (2) Making sure that SBRAs are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by SBRAs;
- (4) Establishing delivery schedules, where the requirements of work will permit, which would encourage participation by SBRAs;
- (5) Using the service of the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce, as appropriate; and
- (6) Requiring the contractor to take the affirmative steps in subparagraphs (1) through (5) of this Condition, if subcontracts are awarded.

6. The recipient agrees to ensure that all requisitions for conference, meeting, convention, or training space funded in whole or in part with Federal funds comply with the Hotel and Motel Fire Safety Act of 1990.

7. The recipient agrees to provide EPA Form 5700-53, Lobbying and Litigation Certificate as mandated by EPA's annual appropriations act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. The certification must be submitted in accordance with the instructions provided by the EPA award official and is due 90 days after the end of the project period.

8. Any State agency or agency of a political subdivision of a State which is using appropriated Federal funds shall comply with Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962). RCRA Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by the Environmental Protection Agency (EPA). Current guidelines are contained in 40 CFR 247-254. State and local recipients and subrecipients of grants, loans, cooperative agreements or other instruments funded by appropriated Federal funds shall give preference in procurement programs to the purchase of recycled products pursuant to the EPA guidelines.

9. Recipients shall fully comply with Subpart C of 40 CFR Part 32, entitled "Responsibilities of Participants Regarding Transactions." Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 40 CFR Part 32, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Recipient acknowledges that failing to disclose the information required under 40 CFR 32.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipients may access the Excluded Parties List System at <http://epls.arnet.gov>. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

10. Rights to inventions made under this assistance agreement are subject to the provisions of Title 37 Code of Federal Regulations (CFR), Part 401, 'Rights to Inventions Made by Nonprofit Organizations and Small Business Firms under Government Grants, Contracts, and Cooperative Agreements', as revised through the date of this assistance agreement.

11. In accordance with Section 2(d) of the Prompt Payment Act (P.L. 97-177), Federal funds may not be used by the recipient for the payment of interest penalties to contractors when bills are paid late nor may interest penalties be used to satisfy cost sharing requirements. Obligations to pay such interest penalties

will not be obligations of the United States.

12. By accepting this agreement for the electronic method of payment through the Automated Clearing House (ACH) network using the EPA-ACH payment system, the recipient agrees to:

- (a) Request funds based on the recipient's immediate disbursement requirements by presenting an EPA-ACH Payment Request to your EPA Servicing Finance Office (see EPA-ACH Payment System Recipient's Manual for additional information).
- (b) Provide timely reporting of cash disbursements and balances in accordance with the EPA-ACH Payment System Recipient's Manual; and
- (c) Impose the same standards of timing and reporting on subrecipients, if any.

Failure on the part of the recipient to comply with the above conditions may cause the recipient to be placed on the reimbursement payment method.

### **Programmatic Conditions**

1. The recipient agrees to comply with the Terms & Conditions outlined in attachment B.

## **Programmatic Terms and Conditions**

Cooperative agreements permit substantial involvement between the EPA Project Officer and the selected applicants in the performance of the work supported. The anticipated substantial Federal involvement for this project will be:

- a. close monitoring of the performance;
- b. collaboration during the performance of the scope of work;
- c. approving substantive terms of proposed contracts;
- d. approving qualifications of key personnel;
- e. review and comment on reports prepared under the assistance agreement.

Retrofit technologies for use in this assistance agreement program must be verified under EPA's Retrofit Program, California's Retrofit Program or certified by another EPA program. Any question as to the acceptance of a retrofit technology should be directed to the Project Officer. Technologies may include, but are not limited to, installation of pollution control hardware, engine upgrades, and/or ultra low sulfur diesel fuel (15 ppm- applies to the cost differential between current diesel fuel and ultra low sulfur diesel) or fuel additives.

The recipient agrees to submit quarterly progress reports to the EPA Project Officer within thirty days after each reporting period. Quarterly reports are considered Progress Status reports and will provide the progress of the introduction of the technology including a listing of the vehicles or engines which have been retrofitted (make, model, year, EPA engine family, type of equipment or service), the number of miles or hours those units have been in service since the retrofits occurred, number of miles or hours those units have been in service during the quarter, date that retrofit technology was introduced for each specific unit, fuel consumption, maintenance problems, maintenance performed, reception by driver(s), and any other problems or concerns.

Since these funds are being used for demonstration projects, in addition to the quarterly status reports that track the progress of the retrofit project, EPA is requiring a final project case study report for each project that will summarize the successes and lessons learned for the entire project. This report and at least one reproducible copy suitable for printing shall be submitted to the EPA Project Officer within 90 days after the expiration or termination of the approved project period. This information will then be made available (possibly through our web site) to communicate the successes and failures of this project to others who may be considering similar projects. Below is an outline of what is required in such a report. This is a list of the minimum information for the Project Case Study Report and should be supplemented with additional information which is relevant to the project that would be useful for others.

**Attachment B**

**Page 2 of 2**

**ID #**

VA 832191-07-0

1. Description of Project
2. Project Partners & Goals
3. Launch Events/Press/Publicity
4. Technologies
  - General and specific including parts and suppliers
5. Vehicles/Engines Involved
  - Specific descriptions of all vehicles and engines
6. Miles Driven/Engine Usage/Fuel Consumption
7. Emissions Reductions, Cost Analyses, and Fuel Costs
8. Lessons Learned
9. Contacts For Further Information

EPA will not select employees or contractors employed by the recipient and the final decision on the content of reports rests with the recipient.

The recipient must follow applicable procurement and sub-grant procedures. Please note that EPA will not be a party to these transactions. Approval of a funding proposal does not relieve recipients of their obligations to compete service contracts, conduct cost and price analyses, and use sub-grants only for financial assistance purposes, in accordance with Subpart B Section .210 of OMB Circular A-133.